



**THE STATES assembled on Tuesday
9th March 2010, at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
William James Bailhache, Esquire.**

**His Excellency the Lieutenant Governor,
Lieutenant-General Andrew Peter Ridgway, C.B., C.B.E.,
was present.**

All members were present at roll call with the exception of –

Senator Stuart Syvret – en défaut
Senator Frederick Ellyer Cohen – excused attendance
Deputy John Benjamin Fox of St. Helier – excused attendance (arrived in the Chamber at 10.20 a.m.)
Deputy Geoffrey Peter Southern of St. Helier – en défaut (défaut raised at 9.35 a.m.)
Deputy Montfort Tadier of St. Brelade – absent on States business
Deputy Daniel John Arabin Wimberley of St. Mary – en défaut (défaut raised at 9.46 a.m.)

Prayers

H.M. Solicitor General – welcome

The Deputy Bailiff, on behalf of all Members, welcomed Mr. Howard Sharp Q.C. to his first meeting as H.M. Solicitor General.

Subordinate enactments tabled

The following enactments were tabled, namely –

Sea Fisheries (Fees) (Amendment) (Jersey) Order 2010. <i>Minister for Economic Development.</i>	R&O.16/2010.
Road Racing (Karts) (Jersey) Order 2010. <i>Minister for Transport and Technical Services.</i>	R&O.17/2010.
Proceeds of Crime (Supervisory Bodies) (Designation of Supervisory Bodies) (Amendment) (Jersey) Order 2010. <i>Minister for Economic Development.</i>	R&O.18/2010.
Employment (Minimum Wage) (Amendment No. 3) (Jersey) Order 2010. <i>Minister for Social Security.</i>	R&O.20/2010.
Community Provisions (Restrictive Measures – Burma/Myanmar) (Amendment No. 3) (Jersey) Order 2010. <i>Chief Minister.</i>	R&O.21/2010.

Documents presented or laid

Ann Court site: petition (P.202/2009) – comments. Presented: 4th March 2010. <i>Minister for Housing.</i>	P.202/2009. Com.(2)
Compulsory wearing of cycle helmets (P.4/2010): comments. Presented: 8th March 2010. <i>Minister for Transport and Technical Services.</i>	P.4/2010. Com.
Public Holidays: designation of May 9th if on a Sunday (P.18/2010) – comments. Presented: 8th March 2010. <i>Council of Ministers.</i>	P.18/2010. Com.
Public Holidays falling at the weekend: review (P.19/2010) – comments. Presented: 8th March 2010. <i>Council of Ministers.</i>	P.19/2010. Com.
Jersey Advisory and Conciliation Service: Annual Report 2009. Presented: 1st March 2010. <i>Minister for Social Security.</i>	R.19/2010.
Land Transactions under Standing Order 168(3) – (a) public land adjoining 162 Clos des Sables, St. Brelade – proposed sale; (b) roadway to La Crête Fort, St. John – proposed acquisition of land for road-widening adjacent to the ‘Cheval Roc’ site; (c) N35 New North Quay and E10 Elizabeth Terminal, St. Helier – lease. Presented: 3rd March 2010. <i>Minister for Treasury and Resources.</i>	R.20/2010.
Land Transactions under Standing Order 168(3) – lease of Brig-Y-Don Children’s Home, La Grande Route de la Côte, St. Clement, from Brig-Y-Don Children’s Convalescent and Holiday Home Incorporated. Presented: 3rd March 2010. <i>Minister for Treasury and Resources.</i>	R.21/2010.
Public Employees Contributory Retirement Scheme: Actuarial Valuation at 31st December 2007. Presented: 8th March 2010. <i>Chief Minister.</i>	R.22/2010.
Rural Economy Strategy 2011–2015: issues and options paper (Green Paper) – sustaining and growing the rural economy. Presented: 8th March 2010. <i>Ministers for Economic Development and Planning and Environment.</i>	R.23/2010.
Jersey Police Complaints Authority: report for 2009. Presented: 9th March 2010. <i>Minister for Home Affairs.</i>	R.24/2010.

Review of Jersey's Overseas Aid: Report on Progress. S.R.3/2010.
Presented: 1st March 2010.
Corporate Services Scrutiny Panel.

Public Accounts Committee: Report on the accounts of the States for the year ended 31st December 2008. P.A.C.1/2010.
Presented: 1st March 2010.
Public Accounts Committee.

Notification of lodged propositions

Compulsory wearing of cycle helmets (P.4/2010): amendment. P.4/2010.
Lodged: 2nd March 2010. Amd.
Deputy of St. Mary.

Compulsory wearing of cycle helmets (P.4/2010): amendment (P.4/2010) – addendum. P.4/2010.
Presented: 8th March 2010. Amd.
Deputy of St. Mary. Add.

Draft Wills and Successions (Amendment) (Jersey) Law 201- (P.7/2010): amendment. P.7/2010.
Lodged: 8th March 2010. Amd.
Chief Minister.

Draft Employment of States of Jersey Employees (Amendment No. 5) (Jersey) Regulations 201-. P.22/2010.
Lodged: 1st March 2010.
Chief Minister.

Draft Employment of States of Jersey Employees (Amendment No. 5) (Jersey) Regulations 201- (P.22/2010): amendment. P.22/2010.
Lodged: 9th March 2010. Amd.
Deputy of St. Martin.

Independent Jersey Police Authority: establishment. P.23/2010.
Lodged: 2nd March 2010.
Senator A. Breckon.

Draft Companies (Amendment No. 4) (Jersey) Regulations 2009 (Appointed Day) Act 201-. P.24/2010.
Lodged: 4th March 2010.
Minister for Economic Development.

'User Pays' Charges: issuing of animal health export and associated certificates. P.25/2010.
Lodged: 5th March 2010.
Minister for Planning and Environment.

Minimum Wage Level as a Percentage of Average Earnings. P.26/2010.
Lodged: 8th March 2010.
Deputy G.P. Southern of St. Helier.

Review of Bicycle Laws. P.27/2010.
Lodged: 9th March 2010.
Deputy of St. John.

Establishment of a regulatory and licensing regime for e-gaming for Jersey. P.28/2010.
Lodged: 9th March 2010.
Minister for Economic Development.

Written Questions

(see Official Report/Hansard)

The Minister for Home Affairs tabled an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding the revised Disciplinary Code for the Chief Officer of the States of Jersey Police.

The Minister for Home Affairs tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding legislation dealing with dangerous dogs.

The Chairman of Comité des Connétables tabled an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding Parish registers of dogs.

The Chief Minister tabled an answer to a question asked by the Deputy of St. Martin regarding the number of States employees suspended or excluded from their employment from 2006 to 1st March 2010.

The Chairman of Privileges and Procedures Committee tabled an answer to a question asked by the Deputy of St. Martin regarding contraventions of Human Rights.

The Chief Minister tabled an answer to a question asked by the Deputy of St. Martin regarding instructions to the Law Draftsman regarding P.175/2009.

The Minister for Economic Development tabled an answer to a question asked by Deputy T.A. Vallois of St. Saviour regarding the Telecommunications industry.

The Minister for Health and Social Services tabled an answer to a question asked by Deputy A.K.F. Green of St. Helier regarding child cyclists figures for 2005 to 2009.

The Minister for Home Affairs tabled an answer to a question asked by Senator A. Breckon regarding the suspension of two senior police officers.

The Chairman of Comité des Connétables tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the electoral register.

The Chief Minister tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the estimated costs of any redundancy payments.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the results of reviews of Income Support and reduced Transitional Protection payments.

The Minister for Treasury and Resources tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding targets for the Comprehensive Spending Review.

The Minister for Social Security tabled an answer to a question asked by Deputy G.P. Southern of St. Helier regarding measures to protect those eligible for attendance allowance.

The Minister for Transport and Technical Services tabled an answer to a question asked the by Deputy of St. Mary regarding a speed limit review.

The Minister for Health and Social Services tabled an answer to a question asked by Senator B.E. Shenton regarding the number of Ambulance Service employees supplied with mobile phones.

The Minister for Home Affairs tabled an answer to a question asked by Senator B.E. Shenton regarding the number of Fire Service employees supplied with mobile phones.

The Minister for Health and Social Services tabled an answer to a question asked by Senator B.E. Shenton regarding the implementation of recommendations from the Lucas Report.

The Minister for Planning and Environment tabled an answer to a question asked by Senator B.E. Shenton regarding cost of the Third Party Appeal in respect of Westmount Quarry.

The Minister for Planning and Environment tabled an answer to a question asked by Senator B.E. Shenton regarding the qualifications of the Ministerial Registration and Listing Advisory Group.

Oral Questions

(see Official Report/Hansard)

Deputy M.R. Higgins of St. Helier asked a question of the Assistant for Economic Development regarding the nature of an incident involving a Flybe airliner on 23rd February 2010.

The Deputy of St. John asked a question of the Minister for Economic Development regarding the attendance of Economic Development staff at the Enterprise Awards on 26th February 2010.

The Deputy of St. Martin asked a question of the Minister for Home Affairs regarding the suspension of two officers from the States of Jersey Police.

Deputy S. Pitman of St. Helier asked a question of the Minister for Housing regarding flooding of houses at Nicholson Close.

The Deputy of Grouville asked a question of the Minister for Health and Social Services regarding the implementation of the recommendations contained within the Verita report.

Deputy P.V.F. Le Claire of St. Helier asked a question of the Minister for Home Affairs regarding the strengthening of dangerous dogs importation legislation.

Deputy D.J. de Sousa of St. Helier asked a question of the Assistant Minister for Economic Development regarding 'gazumping' within the property market.

Deputy T.M. Pitman of St. Helier asked a question of the Chief Minister regarding the payment of additional monies/severance payments outside of the contractual entitlement to the former Chief Officer of Health and Social Services.

Senator B.E. Shenton asked a question of the Assistant Minister for Planning and Environment regarding the accountability for legal costs in Planning matters.

The Connétable of Grouville asked a question of the Minister for Treasury and Resources regarding the proposed use of the proceeds from the sale of the former Jersey College for Girls site.

Deputy G.P. Southern of St. Helier asked a question of the Minister for Social Security regarding the impact of the Comprehensive Spending Review on benefits administered by his Department.

The Deputy of St. Mary asked a question of the Minister for Economic Development regarding the current status of the Tourism Development Fund.

Deputy R.G. Le Hérisier of St. Saviour asked a question of the Minister for Education, Sport and Culture regarding the introduction of a universal ticketing system for all arts locations which receive public funding.

Deputy K.C. Lewis of St. Saviour asked a question of the Assistant Minister for Health and Social Services regarding the level and grade of medical staff required to bring the renal dialysis unit up to the correct level.

Senator B.E. Shenton asked a question of H.M. Attorney General regarding the total cost of providing legal advice to the Planning and Environment Department in 2009.

The Deputy of St. Mary asked a question of the Minister for Economic Development regarding the level of bed stock below which the tourism industry would not be viable.

Deputy T.M. Pitman of St. Helier asked a question of the Minister for Treasury and Resources regarding 1(1)(k) tax status.

Deputy D.J. de Sousa of St. Helier asked a question of the Minister for Economic Development regarding the buy-out of Kleinwort Benson.

The Deputy of St. John asked a question of the Assistant Minister for Planning and Environment regarding delays in connecting homes at La Providence on the Beaumont/Sandybrook site to a mains pumping station.

Deputy S. Pitman of St. Helier asked a question of the Minister for Economic Development regarding funding allocated to the tourism industry as part of the Economic Stimulus Package.

Oral Questions without notice

(see Official Report/Hansard)

The Minister for Treasury and Resources answered questions without notice from members.

The Chief Minister answered questions without notice from members.

Compulsory wearing of cycle helmets P.4/2010

THE STATES commenced consideration a proposition of Deputy Andrew Kenneth Francis Green of St. Helier regarding the compulsory wearing of cycle helmets and rejected an amendment of the Deputy of St. Mary that after the words "Technical Services to" there should be inserted the words "set up a review into whether making cycle helmet wearing compulsory is feasible and desirable, the review to consider the positives and the negatives of compulsion, all relevant States policies, and to consider also how to achieve the greatest possible gains in road safety, and to"; after the words "bring forward," there should be inserted the words "in the event of the review concluding that compulsion is the best option,"; and, for the words "- (a) persons aged under the age of 18 years; (b) persons aged 18 years and over." there should be inserted the words "whatever categories or ages might be specified by the review."

Members present voted as follows –

POUR: 13

Senator A. Breckon
 Connétable of St. Helier
 Connétable of St. Lawrence
 Deputy of St. Martin
 Deputy R.G. Le Hérissier (S)
 Deputy G.P. Southern (H)
 Deputy of Grouville
 Deputy S.S.P.A. Power (B)
 Deputy I.J. Gorst (C)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy M.R. Higgins (H)

CONTRE: 35

Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator J.L. Perchard
 Senator A.J.D. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Ouen
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy of St. Ouen
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy of Trinity
 Deputy S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy of St. John
 Deputy A.T. Dupré (C)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy A.K.F. Green (H)
 Deputy D.J. De Sousa (H)
 Deputy J.M. Maçon (S)

ABSTAIN: 0

THE STATES resumed consideration of the proposition of Deputy Andrew Kenneth Francis Green of St. Helier requesting the Minister for Transport and Technical Services to bring forward legislation to ensure that cyclists were required to wear a suitable safety helmet whilst cycling in the case of –

- (a) persons aged under the age of 18 years;
- (b) persons aged 18 years and over.

The Deputy of St. Mary, in accordance with the provisions of Standing Order 106(b), declared an interest not being of a direct financial nature, and remained in the Chamber for the duration of the debate.

Changes in Presidency

THE STATES re-assembled after the lunch adjournment under the Presidency of the Bailiff.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 10h March 2010 to continue consideration of the proposition of Deputy Andrew Kenneth Francis Green of St. Helier ('Compulsory wearing of cycle helmets' P.4/2010) and the outstanding items of public business.

THE STATES rose at 5.29 p.m.

M.N. DE LA HAYE

Greffier of the States